

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JON-ERIK ROOSEVELT BOLDS, JR.,

No. 1:21-cv-01668-DAD-SAB (PC)

Plaintiff,

v.

LEUVANOS, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

Defendants.

(Doc. No. 30)

Plaintiff Jon-Erik Roosevelt Bolds, Jr. is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 15, 2022, the assigned magistrate judge screened plaintiff's first amended complaint ("FAC") and found that he had stated a cognizable claims for use of excessive force in violation of the Eighth Amendment of the U.S. Constitution against defendant Luevanos for the alleged incident on May 28, 2021 and against defendants Luevanos, Valluas, Lucos, Magania, and Flores for the alleged incident on September 21, 2021, and a cognizable claim against defendants Lucos, Sosa, Bailey, Rafferty, and Espericueta for retaliation. (Doc. No. 22 at 7.) The magistrate judge also found that plaintiff had failed to state any other cognizable claims against those defendants in his FAC and failed to state any cognizable claims against the only other

1 named defendants Mora and Velo.¹ (*Id.*) Plaintiff was granted leave to file a second amended
2 complaint in an attempt to cure the noted deficiencies or to notify the court of his willingness to
3 proceed only on the claim found to be cognizable in the screening order within thirty (30) days of
4 service of that order. (*Id.* at 7–8.) On May 23, 2022, plaintiff notified the court that he was
5 willing to proceed only on the claims identified by the magistrate judge in the screening order as
6 cognizable. (Doc. No. 28.)

7 Accordingly, on May 26, 2022, the magistrate judge issued findings and recommendations
8 recommending that this case proceed only on the claims found to be cognizable in the screening
9 order. (Doc. No. 30.) The magistrate judge also recommended that all other claims brought, and
10 all other defendants named, by plaintiff in his FAC be dismissed from this action. (*Id.* at 2.) The
11 findings and recommendations were served on plaintiff and contained notice that any objections
12 thereto were to be filed within fourteen (14) days after service. (*Id.*) No objections have been
13 filed, and the time in which to do so has now passed.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
15 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
16 findings and recommendations are supported by the record and proper analysis.

17 Accordingly,

18 1. The findings and recommendations issued on May 26, 2022 (Doc. No. 30) are
19 adopted in full;

20 2. This action shall proceed on plaintiff's claims for use of excessive force in
21 violation of the Eighth Amendment against defendant Luevanos for the alleged
22 incident on May 28, 2021 and against defendants Luevanos, Valluas, Lucos,
23 Magania, and Flores for the alleged incident on September 21, 2021, and
24 plaintiff's claim against defendants Lucos, Sosa, Bailey, Rafferty, and Espericueta

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26 ¹ Plaintiff named defendant Mora in his original complaint but did not include defendant Mora as
27 a named defendant in his FAC. Conversely, plaintiff did not name defendant Velo in his original
28 complaint but added defendant Velo in his FAC. Accordingly, the court will direct the Clerk of
the Court to update the docket to reflect that defendants Mora and Vela have been terminated as
named defendants in this action.

1 for retaliation;

2 3. All other claims and named defendants are dismissed;

3 4. The Clerk of the Court is directed to update the docket to reflect that defendants

4 Mora and Velo have been terminated as named defendants in this action; and

5 5. This action is referred back to the assigned magistrate judge for further

6 proceedings consistent with this order.

7 IT IS SO ORDERED.

8 Dated: June 28, 2022

Dale A. Droyd
9 UNITED STATES DISTRICT JUDGE

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